

# Subpart 19.15 - Women-Owned Small Business Program.

**Parent topic:** [Part 19 - Small Business Programs](#)

## 19.1500 General.

(a) Section 8(m) of the Small Business Act ([15 U.S.C. 637\(m\)](#)) created the Women-Owned Small Business (WOSB) Program.

(b) The purpose of the WOSB Program is to ensure *women-owned small business concerns* have an equal opportunity to participate in Federal *contracting* and to assist agencies in achieving their women-owned small business participation goals (see 13 part CFR 127).

(c) An *economically disadvantaged women-owned small business (EDWOSB) concern* or WOSB concern eligible under the WOSB Program is a subcategory of "*women-owned small business concern*" as defined in [2.101](#).

## 19.1501 Definition.

*WOSB Program Repository* means a secure, Web-based application that collects, stores, and disseminates documents to the *contracting* community and SBA, which verify the eligibility of a business concern for a contract to be awarded under the WOSB Program.

## 19.1502 Applicability.

The procedures in this subpart apply to all *Federal agencies* that employ one or more *contracting officers*.

## 19.1503 Status.

(a) Status as an EDWOSB concern or WOSB concern eligible under the WOSB Program is determined in accordance with 13 CFR part 127.

(b) The *contracting officer* shall verify that the offeror—

(1) Is registered in the System for Award Management (SAM);

(2) Is self-certified as an EDWOSB or WOSB concern in SAM; and

(3) Has submitted documents verifying its eligibility at the time of initial *offer* to the WOSB Program Repository. The contract shall not be awarded until all required documents are received.

(c)

(1) An EDWOSB *concern* or WOSB *concern* eligible under the WOSB Program that has been certified by a SBA approved third party certifier, (which includes SBA certification under the 8(a) Program), *must* provide the following eligibility requirement documents-

(i) The third-party certification;

(ii) SBA's WOSB Program Certification form (SBA Form 2413 for WOSB *concerns* eligible under the WOSB Program and SBA Form 2414 for EDWOSB *concerns*); and

(iii) The joint venture agreement, if applicable.

(2) An EDWOSB *concern* or WOSB *concern* eligible under the WOSB Program that has not been certified by an SBA approved third party certifier or by SBA under the 8(a) Program, *must* provide the following documents:

(i) The U.S. birth certificate, naturalization documentation, or unexpired U.S. passport for each woman owner.

(ii) The joint venture agreement, if applicable.

(iii) For limited liability companies, articles of organization (also referred to as certificate of organization or articles of formation) and any amendments, and the operating agreement and any amendments.

(iv) For corporations, articles of incorporation and any amendments, by-laws and any amendments, all issued stock certificates, including the front and back copies, signed in accord with the by-laws, stock ledger, and voting agreements, if any.

(v) For partnerships, the partnership agreement and any amendments.

(vi) For sole proprietorships, corporations, limited liability companies and partnerships if applicable, the assumed/fictitious name certificate(s).

(vii) SBA's WOSB Program Certification form (SBA Form 2413 for WOSB *concerns* eligible under the WOSB Program and SBA Form 2414 for EDWOSB *concerns*).

(viii) For EDWOSB *concerns*, in addition to the above, the SBA Form 413, Personal Financial Statement, available to the public at <https://www.sba.gov/managing-business/forms/small-business-forms/financial-assistance-forms/personal-financial-statement>, for each woman claiming economic disadvantage.

(d)

(1) A *contracting officer* may accept a *concern's* self-certification as accurate for a specific *procurement* reserved for award under this subpart if-

(i) The apparent successful WOSB eligible under the WOSB Program or EDWOSB *offeror* provided the required documents;

(ii) There has been no protest or other credible information that calls into question the *concern's* eligibility as an EDWOSB *concern* or WOSB *concern* eligible under the WOSB Program;

and

(iii) There has been no decision issued by SBA as a result of a current eligibility examination finding the *concern* did not qualify as an EDWOSB *concern* or WOSB *concern* eligible under the WOSB Program at the time it submitted its initial *offer*.

(2) The *contracting officer shall* file a status protest in accordance with 19.308 if-

(i) There is information that questions the eligibility of a *concern*; or

(ii) The *concern* fails to provide all of the required documents to verify its eligibility.

(e) If there is a decision issued by SBA as a result of a current eligibility examination finding that the *concern* did not qualify as an EDWOSB *concern* or WOSB *concern* eligible under the WOSB Program, the *contracting officer may* terminate the contract, and *shall* not exercise any *option* nor award further task or *delivery orders*. The *contracting officer shall* not count or include the award toward the small business accomplishments for an EDWOSB *concern* or WOSB *concern* eligible under the WOSB Program and *must* update FPDS from the date of award.

(f) A joint venture *may* be considered an EDWOSB *concern* or WOSB *concern* eligible under the WOSB Program if it meets the requirements of 13 CFR 127.506.

## **19.1504 Exclusions.**

This subpart does not apply to-

(a) Requirements that an 8(a) contractor is currently performing under the 8(a) program or that SBA has accepted for performance under the authority of the 8(a) program, unless SBA has consented to release the requirements from the 8(a) program;

(b) Requirements that can be satisfied through award to-

(1) Federal Prison *Industries*, Inc. (see subpart 8.6); or

(2) AbilityOne participating non-profit agencies for the blind or severely disabled (see subpart 8.7);

(c) Orders under indefinite-delivery contracts (see subpart 16.5). (But see 16.505(b)(2)(i)(F) for discretionary set-asides of orders); or

(d) Orders against Federal Supply Schedules (see subpart 8.4). (But see 8.405-5 for discretionary set-asides of orders.)

## **19.1505 Set-aside procedures.**

(a) The *contracting officer*-

(1) *Shall* comply with 19.203 before deciding to set aside an *acquisition* under the WOSB Program;

(2) *May* set aside *acquisitions* exceeding the *micro-purchase threshold* for competition restricted to EDWOSB *concerns* or WOSB *concerns* eligible under the WOSB Program when the *acquisition*-

(i) Is assigned a NAICS code in which SBA has determined that WOSB *concerns* are underrepresented in Federal *procurement*; or

(ii) Is assigned a NAICS code in which SBA has determined that WOSB *concerns* are substantially underrepresented in Federal *procurement*, as specified on SBA's Web site at <http://www.sba.gov/WOSB>.

(b) For requirements in NAICS codes designated by SBA as underrepresented, a *contracting officer* may restrict competition to EDWOSB *concerns* if the *contracting officer* has a reasonable expectation based on *market research* that-

(1) Two or more EDWOSB *concerns* will submit *offers* for the contract and;

(2) Contract award will be made at a fair and reasonable price.

(c) A *contracting officer* may restrict competition to WOSB *concerns* eligible under the WOSB Program (including EDWOSB *concerns*), for requirements in NAICS codes designated by SBA as substantially underrepresented if there is a reasonable expectation based on *market research* that-

(1) Two or more WOSB *concerns* eligible under the WOSB Program (including EDWOSB *concerns*), will submit *offers* and;

(2) Contract award *may* be made at a fair and reasonable price.

(d) The *contracting officer* may make an award, if only one acceptable *offer* is received from a qualified EDWOSB *concern* or WOSB *concern* eligible under the WOSB Program.

(e) The *contracting officer* must check whether the apparently successful *offeror* filed all the required eligibility documents, and file a status protest if any documents are missing. See 19.1503(d)(2).

(f) If no acceptable *offers* are received from an EDWOSB *concern* or WOSB *concern* eligible under the WOSB Program, the set-aside *shall* be withdrawn and the requirement, if still valid, *must* be considered for set aside in accordance with 19.203 and subpart 19.5.

(g) If the *contracting officer* rejects a recommendation by SBA's Procurement Center Representative-

(1) The *contracting officer* shall notify the *procurement* center representative as soon as practicable;

(2) SBA shall notify the *contracting officer* of its intent to appeal the *contracting officer's* decision no later than five business days after receiving notice of the *contracting officer's* decision;

(3) The *contracting officer* shall suspend further action regarding the *procurement* until the *head of the agency* issues a written decision on the appeal, unless the *head of the agency* makes a

written determination that urgent and compelling circumstances which significantly affect the interests of the *United States* compel award of the contract;

(4) Within 15 business days of SBA's notification to the *head of the contracting activity*, SBA shall file a formal appeal to the *head of the agency*, or the appeal will be determined withdrawn; and

(5) The *head of the agency*, or designee, shall specify in writing the reasons for a denial of an appeal brought under this section.

## **19.1506 Women-Owned Small Business Program sole source awards.**

(a) A *contracting officer* shall consider a contract award to an EDWOSB *concern* on a sole source basis (see 6.302-5(b)(7)) before considering small business set-asides (see 19.203 and subpart 19.5) provided none of the exclusions at 19.1504 apply and-

(1) The *acquisition* is assigned a NAICS code in which SBA has determined that WOSB *concerns* are underrepresented in Federal *procurement*;

(2) The *contracting officer* does not have a reasonable expectation that *offers* would be received from two or more EDWOSB *concerns*; and

(3) The conditions in paragraph (c) of this section exist.

(b) A *contracting officer* shall consider a contract award to a WOSB *concern* (including EDWOSB *concerns*) eligible under the WOSB Program on a sole source basis (see 6.302-5(b)(7)) before considering small business set-asides (see 19.203 and subpart 19.5) provided none of the exclusions at 19.1504 apply and-

(1) The *acquisition* is assigned a NAICS code in which SBA has determined that WOSB *concerns* are substantially underrepresented in Federal *procurement*;

(2) The *contracting officer* does not have a reasonable expectation that *offers* would be received from two or more WOSB *concerns* (including EDWOSB *concerns*); and

(3) The conditions in paragraph (c) of this section exist.

(c)

(1) The anticipated award price of the contract, including *options*, will not exceed-

(i) \$7 million for a requirement within the NAICS codes for manufacturing; or

(ii) \$4.5 million for a requirement within any other NAICS codes.

(2) The EDWOSB *concern* or WOSB *concern* has been determined to be a responsible contractor with respect to performance.

(3) The award can be made at a fair and reasonable price.

(d) The SBA has the right to appeal the *contracting officer's* decision not to make a sole source award to either an EDWOSB *concern* or WOSB *concern* eligible under the WOSB program.

## **19.1507 [Reserved]**

## **19.1508 Contract clauses.**

(a)The *contracting officer shall* insert the clause at 52.219-29, Notice of Set-Aside for, or Sole-Source Award to, Economically Disadvantaged Women-owned Small Business Concerns, in *solicitations* and contracts for *acquisitions* that are set aside or awarded on a sole-source basis to, EDWOSB *concerns* under 19.1505(b) or 19.1506(a). This includes *multiple-award contracts* when orders *may* be set aside for EDWOSB *concerns* as described in 8.405-5 and 16.505(b)(2)(i)(F) or when orders *may* be issued directly to one EDWOSB contractor in accordance with 19.504(c)(1)(ii).

(b)The *contracting officer shall* insert the clause at 52.219-30, Notice of Set-Aside for, or Sole-Source Award to, Women-Owned Small Business Concerns Eligible Under the Women-Owned Small Business Program, in *solicitations* and contracts for *acquisitions* that are set aside or awarded on a sole-source basis to WOSB *concerns* under 19.1505(c) or 19.1506(b). This includes *multiple-award contracts* when orders *may* be set aside for WOSB *concerns* eligible under the WOSB Program as described in 8.405-5 and 16.505(b)(2)(i)(F) or when orders *may* be issued directly to one WOSB contractor in accordance with 19.504(c)(1)(ii).

(c)For use of clause 52.219-14, Limitations on Subcontracting, see the prescription at 19.507(e).

(d)For use of clause 52.219-33, Nonmanufacturer Rule, see the prescription at 19.507(h).